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<b>TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING          REJECTION OVER A "PRIOR" PATENT</b>	Docket Number (Optional) 578RC
In re Application of: Albertsen et al. Application No.: 10/713,381 Filed: November 14, 2003 For: Male tissue-preferred regulatory sequences of MS45 gene and method of using same	
The owner*, <u>Pioneer Hi-Bred International,</u> of <u>100%</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent No. <u>6,037,523</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.	
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2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>32,733</u>	
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<u>Patricia A. Sweeney</u> Typed or printed name	
<u>515-222-0921</u> Telephone Number	
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